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FISCAL IMPACT STATEMENT

LS 6435
BILL NUMBER: SB 288

NOTE PREPARED: Dec 18, 2006
BILL AMENDED:

SUBJECT: Tanning Facilities.

FIRST AUTHOR: Sen. Dillon
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill requires the State Department of Health to prepare the written statement that a person must read and sign before using a tanning bed in a tanning facility. The bill requires the Department to annually review the written statement. The bill also allows the Department to inspect tanning facilities.

Effective Date: July 1, 2007.

Explanation of State Expenditures: This bill requires the Indiana State Department of Health (ISDH) to prepare the content of a written consent form and annually review the form. The ISDH should be able to implement these provisions within the current level of administrative resources available to the Department.

The bill also specifically allows the ISDH to inspect tanning facilities. This provision appears to have no direct fiscal impact since the Uniform Food, Drug, and Cosmetic Act generally allows the Commissioner or his authorized representatives to inspect facilities with regard to "devices". The ISDH is staffed to perform limited direct inspections. ISDH inspectors mainly perform inspections of food establishments located on state-owned property, commercial septic systems, and other specialized and technical areas and are available to consult with and assist county health departments on an as-needed basis.

The Professional Licensing Agency reported that the administrative development of the form could be accomplished within the current level of resources available to the Agency. Forms are routinely made available on the Agency website to provide 24-hour access to licensure applications and other required Agency paperwork. While the Agency encourages clients to download and print forms from the website, they reported that \$0.02 per copy would be the approximate cost of the paper forms inventory necessary for

mailed requests.

Background information: Current statute (IC 25-8-15.4-23) requires that clients of tanning facilities read and sign a written statement, approved by the State Board of Cosmetology Examiners, containing specified information that is listed in the statute. There is currently no specific state form provided that must be signed; tanning facilities are directed by statute and rule to have a form that contains certain information that must be signed by the client. The statute further requires that operators of tanning facilities must report each known injury or complaint of injury resulting from the use of a tanning device to the Board by telephone within 48 hours and are required to file a written report within 7 days after the injury. There is a state injury reporting form available on the Agency website.

The Professional Licensing Agency reports that in June 2006 there were 1,596 licensed tanning facilities in the state.

The Agency reports that unless a tanning facility is located within a cosmetology salon, Board inspections may be sporadic and are mainly driven by complaints. The Agency also reported that county health departments may also inspect these facilities, although the extent to which this happens is unknown.

Appropriation Background: The ISDH administrative appropriations were made from the dedicated Tobacco Master Settlement Agreement Fund for FY 2006 and FY 2007. Revenues from fees and penalties collected by the Department are deposited in the state General Fund with augmentation allowed in amounts not to exceed the additional revenue from fees or penalties received after July 1, 2003. The funding source of the FY 2008 and FY 2009 ISDH administrative appropriations will be determined by the General Assembly.

The State Cosmetology Board, through the Professional Licensing Agency, is funded by a General Fund appropriation. All fees are deposited in the state General Fund.

Explanation of State Revenues: A license to operate a tanning facility is \$200 per location, payable every two years.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Indiana Department of Health; Professional Licensing Agency and State Board of Cosmetology Examiners.

Local Agencies Affected:

Information Sources: 810 IAC 5-1, Tanning Facilities-Sanitation and Safety; Professional Licensing Agency.

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